



Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Joseph Iadonisi  
Planning Associate

#### Members

Kelley Brown, Chair  
Kevin McCormick, Vice Chair  
Lee Breckenridge, Member  
Amy Dain, Member  
Peter Doeringer, Member  
Jennifer Molinsky, Member  
Barney Heath, *ex officio*

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617-796-1120  
F 617-796-1142  
[www.newtonma.gov](http://www.newtonma.gov)

## JOINT ZONING & PLANNING COMMITTEE AND PLANNING & DEVELOPMENT BOARD MEETING MINUTES November 13, 2023

#### Members present:

Kelley Brown, Chair  
Kevin McCormick, Vice-Chair  
Lee Breckenridge, Member  
Amy Dain, Member  
Peter Doeringer, Member  
Jennifer Molinsky, Member  
Barney Heath, *ex officio*

#### Staff present:

Barney Heath, Director, Department of Planning and Development  
Joseph Iadonisi, Planning Associate

### 1. Joint Public Hearing on docket item #205-23 Petition to rezone lots on Charles Street

The Zoning and Planning Committee (ZAP) and Planning and Development Board reopened the public hearing for the petition to rezone lots on Charles St. by unanimous votes, including a 7-0 vote by the Planning and Development Board.

The Public Hearing included a brief background of the proposed rezoning to Mixed Use 1 from the City Planning Associate, Mr. Iadonisi, and an explanation of the rationale and intent for the request from the attorney representing the applicants, Terry Morris. Three neighbors and Ward 4 Councilors Gentile, Markiewicz, and Krintzman expressed concerns over the possibility of future projects on the site, parking, and traffic. Councilor Crossley reiterated that no project is planned for the site and that the appropriateness of the zoning should be the first consideration. ZAP and the Planning Board then

Following this discussion, ZAP voted 3-3-1 to deny the rezoning and 3-3-1 to approve the rezoning. After these votes, Mr. Brown began the Planning and Development Board's discussion of the matter. Ms. Molinsky commented that the rezoning to Mixed Use 1 was a rational move and having a consistent zoning of Mixed Use 1 better fits with the residential neighborhood than the current zoning which includes Manufacturing and Multi-Residence 1 and 2. Mr. McCormick seconded Mr. Brown's motion for the Planning Board to recommend the City Council approve the petition. The Planning Board voted 5-0-1, Director Heath abstaining, in favor of this motion.

*Note: on November 14<sup>th</sup>, the applicants withdrew the request without prejudice, on November 20<sup>th</sup>, 2023 the City Council accepted the withdrawal.*

### 2. Adjournment

The Board adjourned as the Zoning and Planning Committee resumed the meeting and began discussion of Docket item #94-23.



# Zoning & Planning Committee Report

## City of Newton In City Council

**Monday, November 13, 2023**

Present: Councilors Crossley (Chair), Albright, Danberg, Krintzman, Wright, Leary, Baker, and Ryan

Also Present: Councilors Gentile, Norton, Greenberg, Markiewicz, Malakie, Humphrey, and Oliver

City Staff: Barney Heath, Director of Planning; Joseph Iadonisi, Planning Associate; Andrew Lee, Senior Assistant City Solicitor; William Ferguson, Co-Director of Sustainability; Ann Berwick, Co-Director of Sustainability; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

Planning & Development Board: Kelley Brown (Chair), Peter Doeringer, Kevin McCormick, Jennifer Molinsky, Amy Dain, and Lee Breckenridge

For more information regarding this meeting, a video recording can be found at the following link: [Zoning and Planning Committee - October 23, 2023 - YouTube](#)

### **#205-23      Petition to rezone lots on Charles Street**

TERRENCE P. MORRIS, ESQ. petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known as and numbered 132 Charles Street, Newton, Ma, and shown on the City of Newton Assessor's database as Section 41, Block 06, Lots 14, currently zoned MULTI-RESIDENCE 1 and MANUFACTURING, and Section 41, Block 06, Lot 26, currently zoned MANUFACTURING, to MIXED USE 1.

**Action:**      **Zoning & Planning Motion to Approve Failed 3-3-1 (Councilors Krintzman, Baker, and Wright Opposed) (Councilor Leary Abstaining) (Councilor Albright Not Voting)**

**Note:**      Joseph Iadonisi provided an overview of the petition and noted that the parcels are bordered by the Mass Pike, Charles River, and train tracks. He noted that this petition is to have one uniform zone for these parcels and have the building, which today straddles two lots in two different zones, completely within one zone. This lot has no pending project, and the building could not be developed any higher under the proposed zone. When asked if an addition to the building would require a special permit and public hearing Mr. Iadonisi replied affirmatively. The petitioner Terrence P Morris, Esq. maintained that the existing mixed zoning

has caused delays in obtaining permits for renovation work noted a previous community meeting, attended by the ward 4 councilors, regarding this petition that was attended by many nearby residents.

A Councilor noted concern with the proposal stating that these lots could be combined through an ANR Plan (approved by engineering). This Councilor also raised concern over the petitioner's client eventually purchasing the adjacent lot in the future. Barney Heath noted that an ANR does not eliminate the need for a special permit to develop on this lot. Attorney Morris stated that his client has no intention of purchasing the adjacent lot.

The Public Hearing was opened.

Amy Sangiolo, 389 Central St, raised concern with this rezone petition being before the Council without any project plans.

Ms. Sangiolo spoke later in the public hearing noting the difficulty in understanding the implications of the rezone and urged the Committee to wait to vote.

Nathan Phillips, 73 Charles St, noted traffic and parking concerns in the area and requested a traffic and parking demand study be conducted.

Lisa Levine, 24 Charles St, agreed with Mr. Phillips and requested that this rezone be brought before the Council when a project is planned.

Ted Chapman, a Newton resident, noted a connection to the Charles River Greenway opening next year and how that project will increase bike and pedestrian traffic in the area.

Aimee Chaisson, 67 Charles St, noted safety concerns due to traffic in the area and noted how potential staffing increases could lead to increased traffic.

Councilors voted 7-0 (Councilor Albright Not Voting) on a motion to close the public hearing from Councilor Krintzman. The Planning & Development Board subsequently voted unanimously to close the public hearing.

Multiple Councilors noted difficulty in finding a clear rationale for this petition so would not support the petition. Other Councilors described that this petition as purely to clean up the zoning for this parcel so as not to have the building straddle two zones, complicate permitting for renovations and that rebuilding the site would in any case require a special permit. The Chair also noted how the MU1, mixed use zone requested allows fewer commercial uses than the current manufacturing MAN district. A Councilor asked the petitioner if the current zoning is an economic hardship to his client. Attorney Morris stated that the current zoning does not create an economic hardship.

Committee members voted 3-3-1 (Councilors Crossley, Danberg, and Ryan Opposed) (Councilor Leary Abstaining) (Councilor Albright Not Voting) on a motion to deny from Councilor Krintzman. Per guidance from Andrew Lee, Senior Assistant City Solicitor, the Committee reconsidered the item to move approval. A motion to approve from Councilor Krintzman failed 3-3-1 (Councilors Krintzman, Baker, and Wright Opposed) (Councilor Leary Abstaining) (Councilor Albright Not Voting).

The Planning & Development Board voted 5-0-1 (Barney Heath Abstaining) (Lee Breckenridge Not Voting) on a motion to approve from Jennifer Molinsky. The motion was seconded by Kevin McCormick.

**Chair's note:** *There is no word yet from DOER regarding whether our proposed ordinance is satisfactory. The committee will discuss when to close the public hearing and send this item forward into the next term.*

**#94-23**      **Discussion and possible ordinance requiring electrification of all new construction and substantial renovations**  
COUNCILORS CROSSLEY, LIPOF, DOWNS, HUMPHREY, LAREDO, NORTON, MALAKIE, BOWMAN, DANBERG, WRIGHT, RYAN, LEARY, ALBRIGHT, GREENBERG, KELLEY, OLIVER, AND MARKIEWICZ requesting an update and discussion with the Sustainability Director on the requirements under the Ten Communities program, that would allow Newton to require electrification of all new construction and substantial renovations, and to consider adopting such an ordinance.

**Action:**      **Zoning & Planning Voted No Action Necessary 7-0 (Councilor Albright Not Voting)**

**Note:**      Ann Berwick noted that while Newton is part of the Ten Communities program the required approval from DOER remains outstanding. The City submitted an application which includes the proposed ordinance to DOER in July 2023 and has heard no response. She believes that DOER will approve the submitted application. If so, Director Berwick described that the City would need to adopt the approved electrification ordinance by July 2024. The City must also comply with the affordable housing requirements by February 2024. Compliance with MBTA Communities Guidelines will satisfy compliance with the affordable housing requirements. As of this meeting Director Berwick has not received a response regarding the City's application and noted that the ordinance cannot be adopted until the application is approved.

The Chair asked if the Law Department will be doing a recalculation of the affordable housing units to meet the 10% threshold as defined in Ch 40B (SHI), now that the Northland project was approved by the ZBA. Attorney Lee noted that the calculation is being worked on by Jonah Temple, Deputy City Solicitor, but Director Heath stated that compliance with this requirement using the 10% threshold is not likely to be met without the ZBA approving other 40B projects currently under consideration. Director Berwick said she has spoken with Planning recently and

as of now, passing MBTA Communities is the only sure way to meet the requirements necessary for Newton to remain in the Ten Communities Pilot program.

The Chair noted that this item must be carried forward to the next term, and can be rewritten specific to a DOER approved ordinance for a new public hearing.

Committee members voted 7-0 (Councilor Albright Not Voting) on a motion of No Action Necessary from Councilor Baker.

**Chair's Note:** *The Sustainability Team, joined by members of the Citizen's Commission on Energy, will provide an overview of the draft Newton BERDO ordinance, key elements of the program, lessons learned from outreach to property owners, and proposed program administration. The committee will discuss public education, and consider timing for setting public hearing in 2024.*

**#50-22**

**Request for Discussion and Ordinance to require energy use reporting**

COUNCILORS CROSSLEY, LEARY, NORTON AND BOWMAN on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan. (formerly #181-21)

**Action:** Zoning & Planning Held 6-0 (Councilors Albright and Ryan Not Voting)

**Note:** William Ferguson, Co-Director of Sustainability, noted that this meeting is to provide the Committee with an overview of the Draft BERDO (Building Emissions Reduction and Disclosure Ordinance) for Newton. For the past year or so, Co-Directors Ferguson and Berwick have been working closely with members of the Newton Citizens Commission on Energy (NCCE Philip Hanser, Michael Gevelber, Halina Brown) to develop the ordinance and troubleshoot implementation. Mr. Ferguson has taken the lead, and importantly, deeply engaged property owners and the Chamber. This has included field trips with Property owners and managers to look at building conditions and share information on new technology. Case studies are underway.

In Newton, Buildings over 20,000 sf are responsible for 26% of our total emissions. The Draft BERDO ordinance would first require building owners to report emissions for two years beginning 2025, for both residential and non-residential buildings greater than 20,000 sf of gross floor area. That means 206 property owners and 356 buildings.

Exceptions will apply for state and federal buildings and the team working on this is debating on excluding residential condos. The Draft ordinance requires that the emissions reports show reductions thereafter, to the point of achieving zero emissions by 2050.

The draft ordinance was modeled after the Boston BERDO ordinance with the exceptions for focusing on individual buildings instead of all on a parcel, and the rate of emissions reduction being less steep in early years. The attached presentation describes the proposed rate of emissions reduction and the compliance timeline. Director Ferguson noted that this is new territory legally and that Newton will be able to learn from any legal challenges to BERDO in Boston.

The BERDO Team is still reviewing if emissions from electricity will be included in the standard, whether to include residential condos, and/or adjustments to the minimum gross floor area. Attorney Lee noted that the Law Department has not yet reviewed this current draft and that he has some legal concerns.

The Chair asked to explain what it means to “not count” electricity emissions. Director Ferguson noted that building owners would not need to reduce emissions relative to electricity consumption, but they would still need to be reported. This is in good part because the grid is increasingly being powered by clean energy, expected to be 90% renewable by 2030 – And it would simplify reporting. Philip Hanser, former member of the Newton Citizen Commission on Energy, noted that excluding electricity emissions is one way to promote electrification, but there can also be a maximum energy usage per square foot (EUI = energy use intensity) requirement to assure high efficiency electric HVAC systems, such as heat pumps, so that building owners may not substitute cheap inefficient electric baseboard heating.

A councilor-elect asked why Cambridge is excluding residential condos, and what are the issues behind considering including them in the Newton BERDO. Philip Eash-Gates from Synapse Energy Economics noted that this was excluded in Cambridge during Council discussion because of opposition from residential condo owners. Director Ferguson also noted that including residential condos may make administration of the ordinance far more difficult because it could add thousands of individual owners.

The Chair and Director Berwick also noted that there is pending state legislation that may require an emissions reporting requirement statewide. A Councilor also noted interest in having a similar reduction ordinance or smaller buildings.

Councilors voted 6-0 (Councilors Albright and Ryan Not Voting) on a motion to hold item #50-22 from Councilor Leary. Committee members subsequently voted 6-0 (Councilors Albright and Ryan Not Voting) on a motion to hold item #48-22 from Councilor Danberg.

### **Referred to Zoning & Planning and Public Facilities Committees**

**#48-22**

**Requesting an update on the status of implementing the Climate Action Plan PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES** requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:

Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns. (formerly #324-21)

**Action:** **Zoning & Planning Held 6-0 (Councilors Albright and Ryan Not Voting)**

**Note:** This item was discussed concurrently with item #50-22. A written report can be found with item #50-22.

The meeting adjourned at 9:45 pm.

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**

# City of Newton Proposed BERDO

Building Emissions Reduction and Disclosure  
Ordinance

Nov. 13, 2023

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## Discussion

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BERDO Team

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Why BERDO?

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Buildings Covered

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Boston as Model

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Emissions Standard

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Compliance Timeline for Bldg Owners

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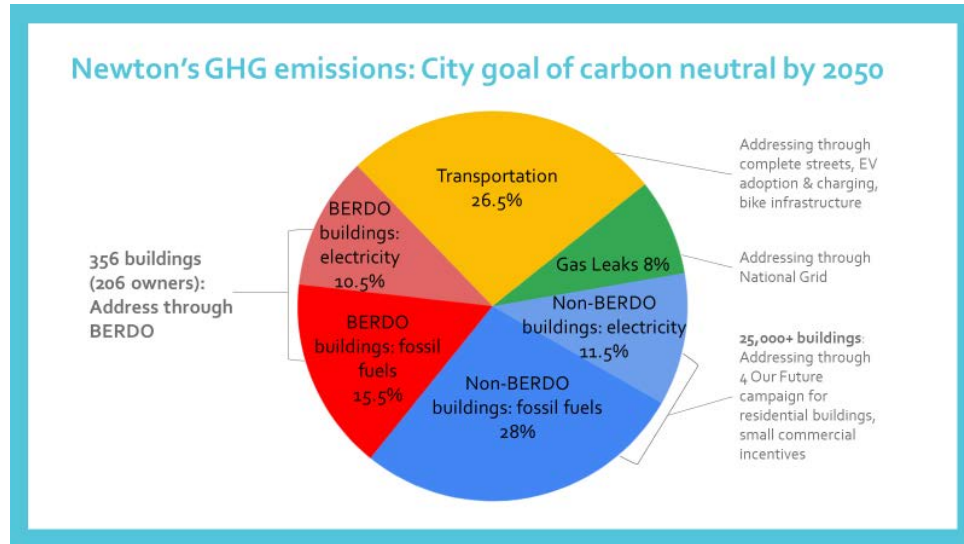
Discussion Continued	Compliance Flexibility
	Enforcement
	Emissions Investment Fund
	Legal Authority
	Issues Still Under Review by BERDO Team

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Newton BERDO Team
<ul style="list-style-type: none"><li>• City Staff- Bill Ferguson, Ann Berwick, Liora Silkes, Barney Heath, John Sisson</li><li>• NCCE- Halina Brown, Phil Hanser, Michael Gevelber</li><li>• Green Newton- Dan Ruben</li><li>• Consultant- Philip Eash-Gates, Synapse Energy Economics</li></ul>

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## Why BERDO?



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## Buildings Covered

- 356 buildings equal to or greater than 20,000 square feet of gross floor area
- Residential and non-residential buildings
- Exceptions: residential condos?, state and federal buildings

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## Proposed Covered Buildings (Excluding Residential Condos)

- There are 356 BERDO-covered buildings, with a combined GFA of 22.7 million square feet.
- Covered buildings account for 1.6% of the total number of buildings in Newton, 16.3% of the total building floor area in Newton, 40% of total buildings emissions and 26% of all Newton emissions.

Tier	Description	Count of Buildings	Number of Owners	Total GFA (sq ft)	Emissions (metric tons CO <sub>2</sub> e)	
1	Non-residential, GFA ≥ 100,000 sq ft	47	29	8,631,279	77,774	42%
2	Non-residential, GFA 50,000–99,999 sq ft	70	41	4,948,885	42,246	23%
3	Non-residential, GFA 35,000–49,999 sq ft	67	15	2,825,059	23,480	13%
	Residential, GFA ≥ 50,000 sq ft	18	51	2,191,572	11,824	6%
4	Non-residential, GFA 20,000–34,999 sq ft	107	88	2,848,581	23,678	13%
5	Residential, GFA 20,000–49,999 sq ft	47	25	1,279,608	6,845	4%
<b>Total</b>	<b>All covered buildings</b>	<b>356</b>	<b>206*</b>	<b>22,724,984</b>	<b>185,845</b>	<b>100%</b>

\*Note that the total number of covered building owners is less than the sum of the rows, because some building owners appear in multiple tiers.

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## Boston as a Model-Proposed Differences

- Since 2013 Boston has had a Building Energy Reporting Requirement.
- In Sept. 2022 Boston adopted an Emissions standard because the reporting requirement was not achieving energy savings.
- Newton's proposed BERDO is based on Boston with some notable exceptions:
  - Timeline: Emissions reductions start in 2025 in Boston-2027 in Newton.
  - Newton is focused on individual buildings and Boston includes buildings on a parcel.
  - Rate of Emissions reduction is not steep in the early years.

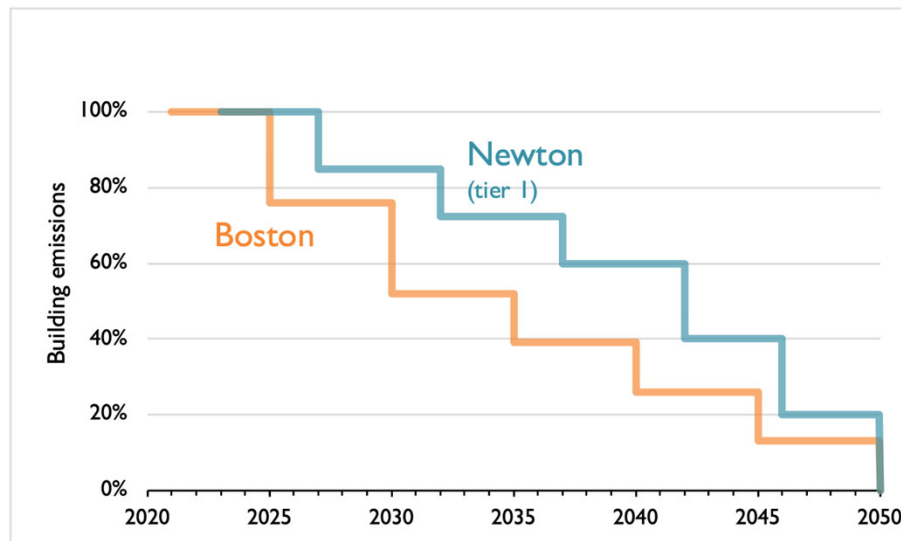
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ProposedTable 1: CO<sub>2</sub>e Emissions Standards by Building Use

Building use	Emission standards (kgCO <sub>2</sub> e/SF/yr)					
	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
Assembly	8.4	6.0	4.7	2.8	1.4	0.0
College/University	12.6	8.5	5.8	3.4	1.6	0.0
Education	4.2	3.3	2.6	1.7	0.8	0.0
Food Sales & Service	19.0	13.4	10.2	6.4	3.2	0.0
Healthcare	15.2	12.6	10.1	6.6	3.2	0.0
Lodging	6.3	4.7	3.7	2.4	1.1	0.0
Manufacturing/Industrial	27.1	22.9	18.6	11.7	5.0	0.0
Office	5.9	4.4	3.3	2.0	0.9	0.0
Residential	4.8	3.5	2.6	1.6	0.8	0.0
Retail	9.3	6.3	4.4	2.2	0.9	0.0
Services	9.3	6.5	4.7	3.0	1.5	0.0
Storage	7.3	5.1	3.4	1.8	0.6	0.0
Technology/Science	20.3	15.9	12.3	7.0	3.3	0.0

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Proposed Rate of Emissions Reduction



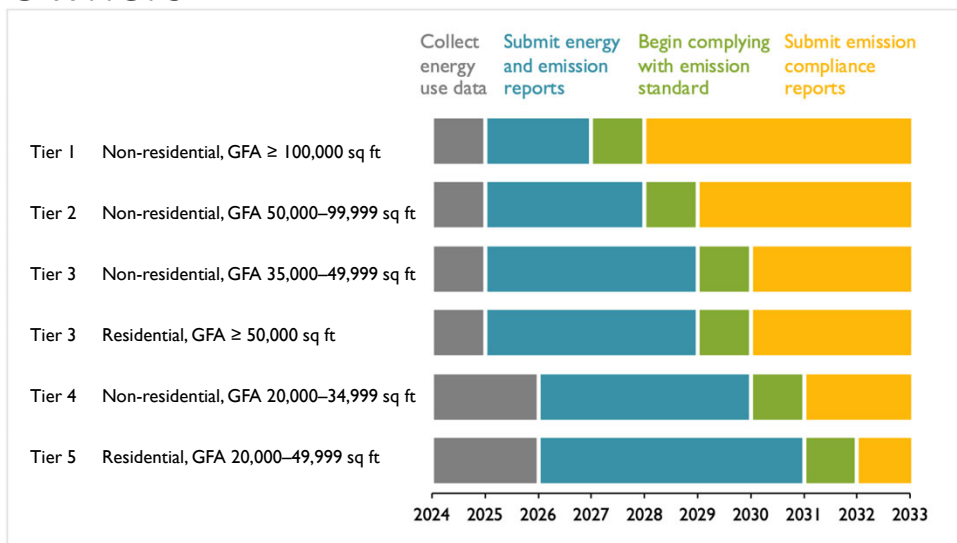
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## Proposed Compliance Timeline for Bldg. Owners

Building Tier	Bldg Description	1st Energy and Emissions Report Due	1st Emissions Compliance Year	1st Report under Emissions Compliance
Tier 1	NR ≥ 100,000 sf GFA	September 15, 2025	2027	September 15, 2028
Tier 2	NR ≥ 50,000 < 100,000 sf GFA	September 15, 2025	2028	September 15, 2029
Tier 3	R > 50,000 sf GFA and NR ≥ 35,000 and < 50,000 sf GFA	September 15, 2025	2029	September 15, 2030
Tier 4	NR > 20,000 and < 35,000 sf GFA	September 15, 2026	2030	September 15, 2031
Tier 5	R > 20,000 and < 50,000 sf GFA	September 15, 2026	2031	September 15, 2032
	NR= Non-residential buildings			
	R= Residential buildings			
	GFA= Gross Floor Area			

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## Proposed Compliance Timeline for Bldg. Owners



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## Proposed Compliance Flexibility

- Portfolios- combine emissions rating of 2 or more buildings.
- Individual Compliance Plans- choose a base year from 2013 to now.
- Hardship Plans- unique circumstances or conditions.
- Multiple Compliance Pathways- phased compliance, energy efficiency, ACP.

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## Enforcement

- Enforcement will be by the Newton Law Department.
- Penalties for non-compliance begin the third year after the effective date of emissions requirements.
  - Failure to submit a report.
  - Inaccurate report.
  - Failure to meet emissions standard.
- Penalties and other enforcement provisions do not apply to residential tenants.

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## Proposed Emissions Investment Fund

- Fines, fees and penalties are placed in a special City fund.
- Fund is administered by the Climate/Sustainability Office and can be used for:
  - Projects that benefit Environmental Justice Populations,
  - Costs incurred by the City in administering the program created pursuant to this Ordinance,
  - Costs incurred by the City in complying with the program created pursuant to this Ordinance,
  - Costs incurred by non-profit entities that operate within the City, including but not limited to entities that operate affordable housing, in complying with the program created pursuant to this Ordinance,
  - Education related to implementation of the requirements of this ordinance.

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## Legal Authority

- Newton Law Department has reviewed.
- This is new territory legally.
- Wouldn't be surprised if it is challenged by some building owners in Boston.

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## Issues Still Under Review by BERDO Team

- Maryland approach: do not include electricity emissions in standard.
- Residential Condos: should they be included?
- Residential Buildings: 20,000 sq. ft. GFA adjustment?

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Extra Slides

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## Covered Buildings (Excluding Residential Condos)

- There are 356 BERDO-covered buildings, with a combined GFA of 22.7 million square feet.
- Covered buildings account for 1.6% of the total number of buildings in Newton, 16.3% of the total building floor area in Newton and 26% of total emissions.

Tier	Description	Count of Buildings	Number of Owners	Total GFA (sq ft)	Emissions (metric tons CO <sub>2</sub> e)	
1	Non-residential, ≥100,000 sq ft	47	29	8,631,279	77,774	42%
2	Non-residential, 50,000–99,999 sq ft	70	41	4,948,885	42,246	23%
3	Non-residential, 35,000–49,999 sq ft	67	15	2,825,059	23,480	13%
	Residential, ≥50,000 sq ft	18	51	2,191,572	11,824	6%
4	Non-residential, 20,000–34,999 sq ft	107	88	2,848,581	23,678	13%
5	Residential, 20,000–49,999 sq ft	47	25	1,279,608	6,845	4%
<b>Total</b>	<b>All covered buildings</b>	<b>356</b>	<b>206*</b>	<b>22,724,984</b>	<b>185,845</b>	<b>100%</b>

\*Note that the total number of covered building owners is less than the sum of the rows, because some building owners appear in multiple tiers.

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## Covered Buildings (Including Residential Condos)

- The table below shows BERDO coverage if residential condominiums were included in the ordinance.
- The analysis represents an upper bound by assuming that each residential condo complex contains a single building.
- Some complexes are likely composed of multiple smaller buildings. If residential condos are ultimately included in BERDO, the tax assessor's office will verify which complexes contain covered buildings.
- These buildings represent 28% of total GHG in Newton.

Tier	Description	Count of Buildings	Number of Owners	Total GFA (sq ft)	Emissions (metric tons CO <sub>2</sub> e)	
1	Non-residential, ≥100,000 sq ft	47	29	8,631,279	77,774	38%
2	Non-residential, 50,000–99,999 sq ft	70	41	4,948,885	42,246	21%
3	Non-residential, 35,000–49,999 sq ft	67	15	2,825,059	23,480	12%
	Residential, ≥50,000 sq ft	38	1,580	5,101,710	24,201	12%
4	Non-residential, 20,000–34,999 sq ft	107	88	2,848,581	23,678	12%
5	Residential, 20,000–49,999 sq ft	83	675	2,356,977	11,427	6%
<b>Total</b>	<b>All covered buildings</b>	<b>412</b>	<b>2,380*</b>	<b>26,712,491</b>	<b>202,805</b>	<b>100%</b>

\*Note that the total number of covered building owners is less than the sum of the rows, because some building owners appear in multiple tiers.

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## Impact of Residential Condos

- The table below isolates the impact of residential condos.
- Including residential condos would increase the number of buildings included in Tier 3 by 24% and Tier 5 by 77%.
- The total number of buildings covered by BERDO would increase by 16% and covered emissions would increase by 9%.
- The number of covered building owners would increase dramatically, from 66 to 1,595 owners in Tier 3 and 25 to 675 owners in Tier 5.

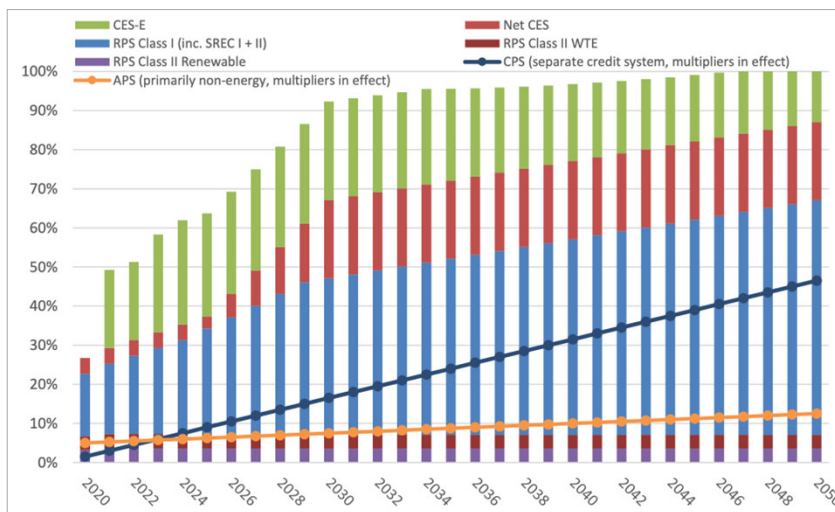
Tier	Description	Count of Buildings	Number of Owners	Total GFA (sq ft)	Emissions (metric tons CO <sub>2</sub> e)	
3	Residential, ≥50,000 sq ft	20	1,529	2,910,138	12,378	6%
5	Residential, 20,000–49,999 sq ft	36	650	1,077,369	4,582	2%
<b>Total</b>	<b>All Covered Residential Condos</b>	<b>56</b>	<b>2,174*</b>	<b>3,987,507</b>	<b>16,960</b>	<b>8%</b>
<b>Total</b>	<b>All Covered Buildings</b>	<b>412</b>	<b>2,380*</b>	<b>26,712,491</b>	<b>202,805</b>	<b>100%</b>

\*Note that the total number of covered building owners is less than the sum of the rows, because some building owners appear in multiple tiers.

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## Massachusetts Clean Energy Regulations

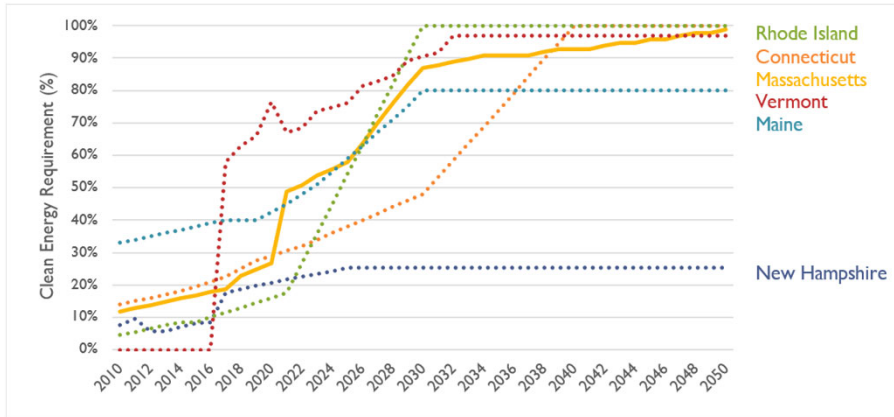
Combined renewable and clean energy procurement mandates require about 90 percent emissions-free electricity in Massachusetts by 2030 and 100 percent by 2050



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# New England Clean Energy Regulations

Most other states in New England have similar requirements



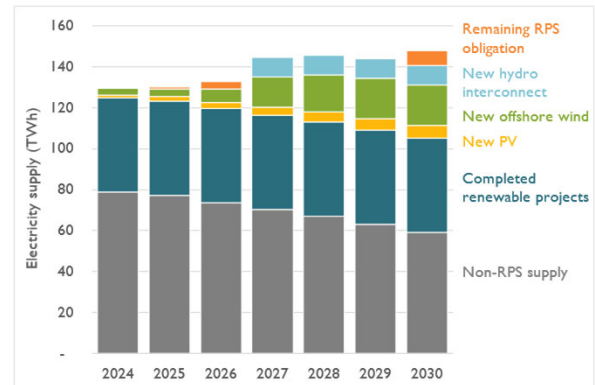
Commonwealth of Massachusetts Department of Energy Resources. 2021. 225 CMR 15.00 Renewable Energy Portfolio Standard- Class II.  
 Commonwealth of Massachusetts Department of Energy Resources. 2021. RPS and APS Annual Compliance Review 2019.  
 --- Compliance Review 2018, Compliance Review 2017, Compliance Review 2016, Compliance Review 2015.  
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 Vermont Department of Public Service. 2021. 2021 Annual Energy Report. A summary of progress made toward the goals of Vermont's Comprehensive Energy Plan. Prepared for the Vermont General Assembly.  
 Vermont Department of Public Service. 2022. 2022 Annual Report on the Renewable Energy Standard.

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# New England Clean Energy Regulations

- In 2023, New England will achieve an estimated 37% clean energy supply
- New renewable projects are needed to meet state mandates by 2030
- Planned offshore wind, PV, and hydro interconnect projects will meet most of the requirements
- Remaining obligations not covered by planned projects range from 1% of load in 2025 to 5% in 2030, with excess production in some years
- Remaining obligations can be met in several ways
  - New renewable projects that are not yet planned
  - Renewable imports from adjacent grid regions
  - "Banked" renewable energy certificates
- Potential offshore wind and transmission project delays may pose a risk to meeting states' obligations

New England Electricity Supply and Clean Energy Requirements



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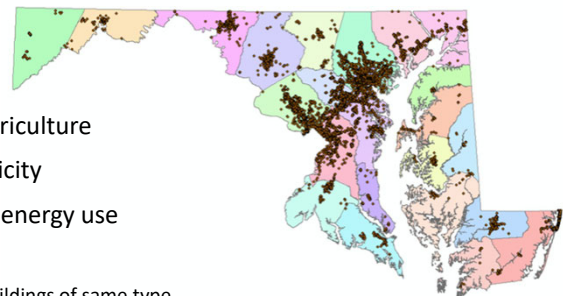
## Planned Offshore Wind Projects

Location	Name	Completion Date	Capacity (MW)	Current Status	Offtaker State
ME	New England Aqua Ventus I	2024	12	Permitting	ME
MA/RI	Revolution Wind	2026	704	Permitting	RI (400 MW) and CT (304 MW)
MA	Vineyard Wind 1	2024	800	Under Construction	MA
MA	SouthCoast Wind 1a	2028	804	Permitting	MA
MA	SouthCoast Wind 1b	2029	400	Permitting	MA
MA	New England Wind I	2027	800	Permitting	MA
MA	New England Wind II	2027	1232	Permitting	MA

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## Maryland Building Energy Performance Standards

- Covers buildings  $\geq 35,000$  square feet
- Exempt buildings: historic, schools, manufacturing, agriculture
- Does not regulate indirect GHG emissions from electricity
- Regulates “direct greenhouse gas emissions” and site energy use
  - Net direct GHG emissions standards
    - 20% reduction by 2030 compared with 2025 average buildings of same type
    - 60% reduction by 2035 compared with 2025 average buildings of same type
    - Net-zero direct GHG emissions by 2040
  - Site energy use intensity (EUI) standards
    - Yet to be established, but will require straight line progress toward final 2040 EUI target
    - Intended to reduce GHG, peak load, and energy costs
    - Likely not necessary in Newton to reduce GHG (Maryland RPS caps out at 50 percent in 2030)



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## “Maryland Approach” for Newton

Pros	Cons
<ul style="list-style-type: none"> <li>• Would focus BERDO on onsite fossil fuel combustion, which lacks a state mandate to decarbonize</li> <li>• Would simplify the BERDO policy:               <ul style="list-style-type: none"> <li>• No extra metering for onsite generation</li> <li>• No tracking renewable purchases</li> <li>• No criteria development for renewables</li> </ul> </li> <li>• Eliminates risk of regulatory loopholes (e.g., junk renewable energy certificates (RECs))</li> <li>• Can follow approach used for current standards or make more gradual to accommodate capital replacement cycles:               <ul style="list-style-type: none"> <li>• Align to Newton Climate Action Plan</li> <li>• Gradual decline at first</li> <li>• Tiered policy phase-in</li> </ul> </li> <li>• Total cost of decarbonization would be lower (no need to decarbonize electricity)</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminates renewable electricity purchase as a low-cost compliance options in early years</li> <li>• Depending on compliance schedule, some owners may need to make onsite changes sooner</li> <li>• Doesn't incentivize Newton Power Choice enrollment or onsite solar</li> <li>• Less incentive for energy efficiency               <ul style="list-style-type: none"> <li>• Consider adding an option to include an energy use intensity (EUI) requirement in the future based on early reports; could be a fixed target or based on historical consumption</li> </ul> </li> <li>• Departure from precedent of Boston and Cambridge building performance standards</li> <li>• Would need to update stakeholders about the proposed change</li> </ul>

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